

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL HOWARD HUNTER,

Plaintiff,

NO. CV-07-130-JPH

vs.

DR. RISENCK,

Defendant.

ORDER ADOPTING REPORT AND
RECOMMENDATION, DENY MOTIONS AND
DENYING RECONSIDERATION

BEFORE THE COURT are Plaintiff's Objections (Ct. Rec. 15) to the Report and Recommendation (Ct. Rec. 12) to deny his Motion to Vacate and File New Complaint and Appoint Counsel, his Motion to Appoint Counsel, and his Motion to Treat Supplemental Complaint as Petition for Writ of Habeas Corpus. Plaintiff also requests reconsideration of this matter.

After review of Plaintiff's submissions and the file, **IT IS ORDERED** the Report and Recommendation is **ADOPTED in its entirety** and Plaintiff's Motions (Ct. Recs. 9, 10 and 11) are **DENIED**. **IT IS FURTHER ORDERED** Plaintiff's request for reconsideration is **DENIED**.

This action was closed because Plaintiff failed to comply with the *in forma pauperis* statute, 28 U.S.C. § 1915(a)(2). He initiated this action while a prisoner at the Spokane County Jail, but failed to

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1 provide a certified copy of the six month statement of his inmate
2 account, or institutional equivalent, and a completed Declaration and
3 Application form, as directed. As previously advised, Plaintiff is
4 free to file a new and separate action if he desires, following the
5 procedural requirements of the *in forma pauperis* statute.

6 **IT IS SO ORDERED.** The District Court Executive is directed to
7 enter this Order, forward a copy to Plaintiff at his last known
8 address, and close the file.

9 **DATED** this 17th day of March 2008.

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11 s/ Fred Van Sickle
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13 FRED VAN SICKLE
14 UNITED STATES DISTRICT JUDGE
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RECONSIDERATION -- 2